



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,877	09/20/2000	Daniel J. Mendez	43630.00045	1506

7590 11/23/2001

Squire Sanders & Dempsey LLP
600 Hansen Way
Palo Alto, CA 94304-1043

EXAMINER

GECKIL, MEHMET B

ART UNIT	PAPER NUMBER
----------	--------------

2152

DATE MAILED: 11/23/2001

3

Please find below and/or attached an Office communication concerning this application or proceeding.

T.R.

Office Action Summary

Application No.

09/666,877

Applicant(s)

MENDEZ ET AL.

Examiner

Mehmet B. Geckil

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-82 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-82 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: _____

Art Unit: 2152

1. Claims 1-82 are presented for examination.
2. Applicant should update the cross-reference to related application information, e.g., which one has become a patent or abandoned, in response to this office action and thereafter keep updating if any change occurs in their status when responding to the office actions.
3. Claims 43 and 65 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are indefinite because the following claim language is not clear:

- a) "...to said service", claim 43 line 3; and
- b) "...to said workspace", claim 65 line 3.

4. As to 3-(a-b) above, they lack clear antecedent basis. Applicant should go over all the claims to make sure this type of problems do not exist in the claims.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 2152

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zollinger et al.

7. Zollinger et al (5,999,947) taught the invention substantially as claimed including a system operating in a computer network having a database service and providing synchronization services to requesting clients wherein the system included various components including a server (col 5 line 1 et seq) component (68) which included server synchronizer (46) and a control engine (30, see the definition of the engine on columns 4-5) and a client apparatus (48) including a communications engine (col 5 line 8 et seq), means for determining modification of a client workspace element, for generating client results, for comparing the client results with the server results and for performing a responsive synchronization action (e.g., see column 7 line 46 et seq, col 8 line 46 et seq e.g. "...corresponding component running on the client...",) and wherein the system further included a request-servicing engine for communication with the control engine and for controlling the database services and synchronization services (e.g., see column 8 line 1 et seq, where it says that the client connects with the server and requests synchronization services. See column 13 line 36 et seq where it says, "The client will generate and send a request for synchronization to the server computer.")). It would have been obvious to one of ordinary skill in the networking art at the time of the invention that the claimed invention differed from the teachings of Zollinger only by a degree, e.g., in the "agent" phrase. But the specification or the claims does not give specificities of the "agent" and thus agent is no more than a component performing a function. In this case it performs the synchronization but Zollinger et al synchronization component also performs the synchronization function. Moreover, claims recite using the version information for synchronization but Zollinger et al

Art Unit: 2152

system also used version information for the synchronization, e.g, see column 6 lines 66-67 and column 7 line 1 et seq, column 8 lines 6-8, col 9 line 35 et seq, and col 12 line 36 et seq.) Claims also recite using applets but Zollinger et al also said that their system could be implemented by using the applets, e.g., see column 14 lines 9-16.) Claims also recite identifying and authentication features but Zollinger et al also taught profile database features for performing authenticating the clients and for client login to the server (e.g., see column 8 line 10 et seq and col 12 line 12 et seq.) Other claimed features are all obvious variations of the well known features of the networking art, e.g., today practically everybody uses firewalls to protect their servers.

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

9. Claims 43-46 and 64-67 are rejected under 35 U.S.C. 102(a) as being anticipated by Konrad.

10. Konrad (5,544,320) taught the invention as claimed including a client server access system based on a client-server service model including storing an address pointing to the service (col 9 line 15 et seq); establishing a communication link with the client (col 10 line 5 et seq); receiving a request for access to the service from the client (col 10 line 8 et seq); and providing access to the service to the client (col 11 line 1 et seq and all other places throughout the patent.)

Art Unit: 2152

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mehmet Geckil whose telephone number is (703) 305-9676. The examiner can normally be reached on Monday through Friday from 6:30 A.M. to 3:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Mark Rinehart, can be reached on (703) 305-4815. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-9731.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 746-7238 (for After final communications);

Or:

(703) 746-7239 (for formal communications intended for entry)

Or:

(703) 746-7240 (for status inquiry or informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

11/14/01

MEHMET B. GECKIL
PRIMARY EXAMINER

